

FILED

May 18 2022

Mark B. Busby

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Michael Pagaling #211846-1

2100 Napa Vallejo Highway

Napa, CA 94558

(707) 255-6219

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(888) 456-0181 Leave a message

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE SAN FRANCISCO SUPERIOR COURT
UNITED STATES OF AMERICA**

Michael Joseph Pagaling)

352 A. California Civil Code Of Procedure)

V.)

Los Angeles County Jail and Civil Court)

(Los Angeles California) _____)

Case No. 5:22-cv-02942-BLF

(To be supplied by the clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

☒ Original Complaint

☐ First Amendment

☐ Second Amended Complaint

A. Jurisdiction

1. This court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343 (a); 42 U.S.C. 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Agents, 403 U.S. 388 (1971)

☒ Other: Action Occurred in this courts Jurisdiction / Facility.

2. Institution/city where violation occurred:

- Los Angeles County Jail (Gross Negligence and Civil court Disability
Discrimination)

Revised 3/15/2016

B. DEFENDANTS

- 1.) Name of defendant: Los Angeles County Jail
Downtown Los Angeles and the Doctor that had taken me off my
psychiatric medication

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner ? [X] Yes [] No
2. If yes, how many lawsuits have you filed ? 3. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: Michael Joseph Pagaling V. Napa State Hospital
2. Court and case number: Pending
3. Result: (Was the case dismissed? Was appealed? Is it still pending?)

PENDING

b. First prior lawsuit:

4. Parties: Michael Joseph Pagaling V. Napa State Hospital Napa Soap Company
5. Court and case number: Pending
6. Result: (Was the case dismissed? Was appealed? Is it still pending?)

Pending

c. First prior lawsuit:

7. Parties: Michael Joseph Pagaling V. Napa State Hospital & Napa soap Company
8. Court and case number: Pending
9. Result: (Was the case dismissed? Was appealed? Is it still pending?)

Pending

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated:

2. **Claim I.** Identify the issue involved. Check Only One. State additional issues in separate claims.

☐ Basic necessities ☐ Mail ☐ Access to the court ☒ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat of safety ☒ Other: Gross Negligence _____.

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in own words without citing legal authority or argument.

While in Los Angeles County Jail, I Michael Joseph Pagaling was placed in the psychiatric unit. I told the Psychiatrist there that I had a psychiatric history, two hospitalizations and that one of those hospitalizations had included a suicide attempt on my own life. I was initially placed on Resperidol and Depakote by the Psychiatrist in L.A County Jail. I was doing fine on the unit/module, and had continued to meet with the psychiatrist, while there. I was then taken off of my medication, by the psychiatrist in twin towers, because she had believed that I was malingering and didn't have a psychiatric history or an illness. I was severely depressed at that time, and suffering from a mental illness.

While off of the psychiatric medication in the county jail, in twin towers I had climbed the stairs to the upper tier, got on top of the rail and jumped off. I am now paraplegic due to this injury. I can't walk and suffer daily due to the injury. During the NGI part of my trial started in September 2010, that psychiatrist was put on the stand and had admitted to taking me off the medication, she had said that she thought I was lying and malingering.

While in L.A county jail, after receiving surgery for my back I was put on the floor on top of an egg crate cushion, and had developed a staff infection, that had required two surgeries and Vancomycin antibiotics to heal from, I could have gotten fatally ill.

This is all to the best of my ability, also the doctor was put on the stand by Robin Ginsburg deputy defenders office attorney Los Angeles, she is very knowledgeable about the case, injury I sustained and the doctors negligence. I didn't file before, because I didn't have access to appropriate information and forms, I've had to create these myself.

4. **Injury.** State how you were injured by the actions or in-actions of the defendant(s).

I am paraplegic and suffer daily, I now have to wear a super pubic catheter, take blood thinners for blood clots, wear therapeutic pantie hoes to help my blood circulate, have to wear a colostomy bag to go poop and have injuries that medication and surgery or therapy can't change.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
c. Did you appeal your request for relief on claim I to the highest level? ☒ Yes ☐ No
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

I was bed ridden for a long period of time, I recently tried to apply to L.A superior court and was denied, I believe because I have filed a lawsuit against them and the jail, which are both connected to each other. So I am now applying to you SF because you do not conflict with that jail and city. Meaning that you are separate from them.

CLAIM II

1. State the constitutional or other federal civil right that was violated:

2. **Claim I.** Identify the issue involved. Check Only One. State additional issues in separate claims.

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat of safety | <input type="checkbox"/> Other: Disability discrimination. | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in own words without citing legal authority or argument.

I Michael Joseph Pagaling filed my lawsuit to L.A. Civil court and asked for the correct paper work if I did not provide sufficient forms. I was not sent any forms to fill out, only told that I was refused a case number and did not provide the right paperwork. I had also requested council (an attorney to represent a mentally and physically disabled person). I am now requesting the superior court of United states to step in since I have been denied by LA civil court. I believe because they are one and the same jail, court house and city.

4. **Injury.** State how you were injured by the actions or in-actions of the defendant(s).

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I ? ☒ Yes ☐ No
- c. Did you appeal your request for relief on claim I to the highest level ? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.



CLAIM III

1. State the constitutional or other federal civil right that was violated:

2.Claim I. Identify the issue involved. Check Only One.State additional issues in separate claims.

☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat of safety ☐ Other: _____

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in own words without citing legal authority or argument.

4. Injury. State how you were injured by the actions or in-actions of the defendant(s).

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
b. Did you submit a request for administrative relief on Claim I ? ☐ Yes ☐ No
c. Did you appeal your request for relief on claim I to the highest level ? ☐ Yes ☐ No
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.


E. REQUEST FOR RELIEF

State the relief you are seeking

Under the California civil code of procedure 352 a. there is no statute of limitations since I was clinically insane at the time of my lawsuit claim and have continued to be hospitalized and medicated ever since that time. I am filing this lawsuit, so that I can get compensated for my pain, suffering and future medical care and surgeries when need of. I request \$ 15,000,000.00 fifteen million dollars or if they offer me a reasonable settlement due to my pain suffering and discrimination I will settle.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5-11-22
Date


Signature of plaintiff

Name and title of paralegal, assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

Additional Pages

All questions must answered concisely in proper space on the form

I am requesting court fees be waived and I be appointed an attorney, if a settlement is made I'll pay the appropriate fees.

PR-10

**RECORD ADDENDUM
(MAXIMUM 250 WORDS)**

PATIENT NAME: Court **NUMBER:** Pending
DATE OF RECORD ENTRY: January 3rd 2007-April 27th 2022

January 3rd 2007- May 11th 2022: Continue suffering (pain)

FACTS: I Michael Joseph Pagaling was arrested in January of 2007. I was taken to Carson and Compton county jails. I was then taken to L.A. County jail, I reported that I had a psychiatric history since I was 8 yrs. Old. I was placed in the psychiatric ward (in LA county jail). I was seen by the doctors and given Respir-dahl and depekote to the best of my memory.

I was taken off my medication by the attending doctor, while in jail. She thought I was lying about my psychiatric history. I was hallucinating, hearing voices and seeing things that weren't there. I was depressed, and while unmedicated I attempted to take my own life. I jumped off the second tier in twin towers and broke my back. I had several surgeries and am paraplegic and suffer from pain every day and night.

In September 27th of 2010 I went to trial for my offense, I had pleaded NGI. During the trial my attorney Robin Ginsberg L.A. Sheriffs Dept. public defender represented me. During the NGI part of the trial she brought forth the psychiatrist that took me off of my medication, and she had admitted doing so on the stand, because she had thought I was lying about my psychiatric history. I suffer everyday due to her gross negligence .

The trial Clerk records can confirm the doctor admitting to the fact. My attorney Robin Ginsburg the prosecuting attorney and Judge were also witnesses to the doctors confession.

I can't afford the fees to file this lawsuit, please don't discriminate against me please file this lawsuit, I don't have internet access. LA county civil court had already denied me twice and did not send me any of the paper work, and over the phone insisted that I file online. I'm being discriminated against since I am in a State Hospital suffering from pain and mental illness. I am also requesting council due to my disabilities. I have also sent you a copy of the paperowrk I had sent to L.A. Civil court, along with their denial.


SIGNATURE

May 11th 2022
DATE SIGNED

SUPERIOR COURT SAN FRANCISCO UNITED STATES:

RE: Why I am filing in San Francisco

I Michael Joseph Pagaling have tried to apply in Los Angeles court and have been denied three times. The first time they said I didn't apply correctly. The second time they said I didn't have a cover sheet and addendum. The third time I supplied all the paperwork and requested, for them to send me the correct paperwork if mine was insufficient, they denied me and didn't send the paperwork that they supposedly are requiring. I believe it is because I filed against their own jail, there in Los Angeles, so I am now filing outside their county since it seems that there is a conflict of interest filing in their own courthouse against their jail and overall treatment of a disability person without internet access.

**Thank you,
Michael Joseph Pagaling**

A handwritten signature in black ink, appearing to read 'Michael Joseph Pagaling', with a large, sweeping loop at the end.

May 11th 2022

Unlimited civil lawsuit cover sheet:

Gross Negligence and Disability discrimination

2 lawsuits

**Michael Joseph Pagaling VS. Los Angeles
County Jail, Civil Court and Psychiatrist
that took me off my medication, while in
custody (Doctor brought forth in trial
and documented in my court case in
September 27th 2010 to October 2010,
NGI part of the trial)**

May 11th 2022

Michael Joseph Pagaling


I'll settle if a reasonable amount is offered.

UNITED STATES SUPERIOR COURT
SAN FRANCISCO CALIFORNIA

Michael Joseph Pagaling 352a California court of procedure
Plaintiff or Petitioner

Case Number: Pending

Vs.

LOS ANGELES CIVIL SUPERIOR COURT AND COUNTY JAIL
Defendant or Respondent

PROOF OF SERVICE

I hereby certify that on MAY 11th 2022, I served a copy of the attached

(Date)

Lawsuit against City of Los Angeles Court and Los Angeles County jail Gross Negligence and
Disability Discrimination

(Title of Document Served and Filed)

By placing a copy in a postage paid envelope addressed to person(s) hereinafter listed, by depositing
said envelope in the United States Mail at Napa State Hospital

(Location of Mailing)

(List Name and Address of Each Defendant or Attorney Served)

Originally sent to Los Angeles Civil Supperior court

I declare under penalty of perjury that the foregoing is true and correct.

Michael Joseph Pagaling



(Name of Person Completing Service)